

Agenda item:

Council

On 19 JULY 2010

Report Title. The Duty to Respond to Petitions

Report of **Stuart Young, Assistant Chief Executive (People and Organisational Development)**

Signed :

Contact Officer : Ken Pryor (x2915)

Wards(s) affected: **All**

Report for: Decision

1. Purpose of the report

1.1. To approve the proposed petition scheme for Haringey.

2. Introduction by Cabinet Member

2.1. I am pleased to introduce this report outlining the Council's response to the duty to respond to petitions. I note that we are already complying with the duty but that legislation requires a Haringey scheme to be approved by full Council. The proposed Haringey scheme deviates little from the model scheme contained in the statutory guidance and is attached as appendix 1.

2.2. The council is also required to make available an e-petitioning system at a date not later than 15 December 2010. Officers are currently reviewing the market place, with the priority being to meet statutory requirements in the most cost effective manner. Further reports will be brought to the appropriate bodies if required.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1. This duty will increase community involvement in decision-making and therefore relates to the Community Engagement Framework.

4. Recommendations

4.1. That Council approve the proposed petitions scheme, attached as appendix 1.

5. Reason for recommendation(s)

5.1. The Local Democracy, Economic Development and Construction Act 2009, and the Statutory Order and Guidance released in March 2010, require that a council's petition scheme be approved by full Council.

6. Other options considered

6.1. None

7. Summary

7.1. The Local Democracy, Economic Development and Construction Act 2009 imposes a duty on local authorities to respond to petitions. The duty came into force on 15 June 2010. From 15 December 2010 all local authorities will also be required to have an electronic petitioning system on their website.

7.2. The Statutory Order requires that all schemes are approved by full Council. The proposed scheme has been brought to full Council at the earliest opportunity following announcement of the Statutory Order and in the intermitting period officers have put in place procedures to ensure that all petitions were dealt with in compliance with this duty.

7.3. The statutory guidance issued in March 2010, contained a model scheme which has been used as a basis for the scheme, attached as appendix 1. The proposed scheme deviates little from the model scheme with the main changes being to bring the scheme into line with existing council procedures. Additional changes include aligning the suggested thresholds to the Haringey population, removing references to electronic petitions, outlining exemptions more clearly and minor changes to add additional clarification. The proposed scheme is fully compliant with the Act and the statutory guidance.

7.4. In advance of the introduction of e-petitions in December it is proposed that there be an opportunity in the autumn for review of the scheme and consultation with members.

7.5. Key points of note regarding the scheme are as follows:

- Petitions with a significant level of support must trigger a debate at full Council. It is for the Council to set the threshold for this. The model scheme sets a threshold of 1% of the population to trigger a debate at full council. We have mirrored this and set a threshold of 2200, which is 1% of our estimated

population of 225,500, rounded down to the nearest 100. Again petitions with a requisite level of support trigger a requirement that a senior local government officer must give evidence at a meeting of the authority's overview and scrutiny committee. The model scheme sets a threshold of 0.5% of the population and our scheme mirrors this and sets a threshold of 1100. A list of the senior officers who may be called to give evidence at an overview and scrutiny committee has been made available on the council website.

- To maintain the spirit of the law the existing procedure for petitioning full Council (contained in the constitution) has been incorporated into the proposed scheme. This means that residents can still submit their petition to full Council under existing procedures but with the added feature that if the threshold is met there will be a debate.
- The Council's approved scheme must set out a range of actions that the Council may take in response to the petition although they are not restricted to this range of actions. The range of possible actions that must be set out on all approved schemes include the following:
 - taking the action required in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee
- Councils must respond to petitions that relate to a function of the authority or which relates to an improvement in the economic, social or environmental well-being of the authority's area, to which any of the partner authorities could contribute.
- Petition organisers can request that Overview and Scrutiny Committee review the steps taken in response to a petition. Essentially this is a right of appeal available to petition organisers if they are unhappy with the response.
- The new duty to respond to petitions will not apply to petitions relating to planning or licensing applications or any matter where the person aggrieved has a right of appeal or review under the relevant legislation. Also if local authorities consider a petition to be vexatious, abusive or otherwise inappropriate then the authority must still acknowledge the petition and the acknowledgement will state why the Council are not going to take action in response to the petition. However it has no obligation beyond this.

8. Chief Financial Officer Comments

8.1. The Chief Financial Officer notes that the immediate requirements of the

Legislation can be contained within existing resources however, there will be a financial impact arising from the requirement to have an electronic petitioning system available from 15 December 2010.

8.2. As set out in paragraph 12 work has already begun to assess the optimum solution for the electronic petitioning and also any additional communication / marketing required to inform residents. Clearly any IT solution needs to be compliant with the Council's overall IT strategy. The costs associated with this will be the subject of a further report.

9. Head of Legal Services Comments

9.1. The legal issues are set out in the body of the report.

10. Equalities & Community Cohesion Comments

10.1. There are no immediate equalities implications arising from the duty except the risk that some sections of the community may not be aware of the duty and how they can use the scheme. To guard against this risk, officers should make efforts to ensure that the scheme is promoted in a manner that will reach as many residents and communities as possible, including and particularly those such as some minority ethnic communities and young people that conventional communication methods struggle to reach.

10.2. Introduction of e-petitioning should enable more residents to engage in the democratic process, in particular people with disabilities or mobility issues. We would encourage officers to consider the accessibility standards of any IT solution that is purchased.

11. Consultation

11.1. It is proposed that, in line with the implementation of the e-petitions facility in December, there be an opportunity for review of the scheme and consultation with members.

12. Service Financial Comments

12.1. Currently, there are no direct financial implications to this paper. Petitions are currently dealt with as "business as usual", however if the number of petitions received by the council was to greatly increase as a result of increased publicity and e-petitioning requirements there may be additional costs.

12.2. Consultation with IT services will be required on the implementation of the 'e'-enabling part of the duty and how this can best be supported. The statutory guidance requires that 'a local authority's petition scheme must secure that the authority's e-petitions facility allows citizens to create a petitions which can be published online and made available to others for electronic signature.' The guidance also makes clear that 'acceptance of emailed petitions' does not meet the requirement. Consequently it is likely that an e-petitions solution will have to

be purchased. Officers are currently exploring the most cost effective options.

12.3. Consultation with Communications will be required in order to meet the requirements in the duty that the scheme be 'published on the ...authority's website and by any other method appropriate for bring it to the attention of those who live, work and study [in the borough]'.

13. Use of appendices /Tables and photographs

13.1. The proposed scheme is attached as appendix 1.

14. Local Government (Access to Information) Act 1985

14.1. Local Democracy, Economic Development and Construction Act 2009 and Statutory Guidance dated March 2010, and Regulations made under the 2009 Act.

APPENDIX 1

Haringey Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

You can submit a petition to the council by:

- Sending a paper petition to:

Ian Christie
Feedback and Information Manager
7th Floor, River Park House
225 High Road
Wood Green
N22 8HQ

- E-mailing an electronic (scanned) copy of the petition to petitions@haringey.gov.uk
- Presenting your petition to a meeting of the council.*

*Dates of Council meetings can be found via the meetings calendar on the Council website. If you would like to present your petition to the council please contact Ken Pryor (details below) at least 5 working days before the meeting (e.g. Friday for a meeting on the Monday 10 days later) and the process will be explained to you. Further details of how to present a petition to full Council are outlined later in this scheme.

Ken Pryor
Deputy Head of Member Services
7th Floor, River Park House
225 High Road
Wood Green
N22 8HQ
ken.pryor@haringey.gov.uk

Tel. 020 8489 2915

Please submit the original copy of the petition. Please also note that the council reserves the right to validate petition signatures and addresses.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- The name, address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including the name, address and phone number of the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser and the other petitioners, other than their name, will not be placed on the website. However the Council may be obliged to disclose the street where petitioners live, in the event of a Freedom of Information Act request or following a requirement under another statutory requirement. If the petition does not identify a petition organiser, we will attempt to contact one of the signatories to the petition to agree who should act as the petition organiser.

What will the council do when it receives my petition?

Where contact details have been supplied, an acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we are in a position to carry out the action in your petition then our acknowledgement may confirm the actions we have undertaken and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition. All sensitive personal details will be removed from any related correspondence.

Are there any circumstances in which my petition will not be accepted?

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted and no action will be taken. We also reserve the right to reject petitions where they are substantially the same as a petition which has been submitted to the Council in the past 6 months. We will explain the reasons for this in our acknowledgement of the petition. The Monitoring Officer will make the final ruling on this.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, alternative procedures to this scheme will apply.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*The Overview and Scrutiny Committee is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all specific actions it can potentially take on issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Petitions to full Council

The Deputy Head of Local Democracy & Member Services should be notified of any Petitions by 10 a.m. five clear days in advance of the Council meeting e.g. Friday for a meeting on the Monday 10 days later. The petition will be handed to the Mayor, and recorded as received by the Deputy Head of Local Democracy & Member Services without any further debate. The relevant Cabinet member should report the Council's response to the petition at the next ordinary meeting of the Council. A copy of this response will be sent to the Petitioner.

If a petition contains more than 2,200 signatures it will trigger a debate by the full Council, unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take

the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 1,100 signatures, the relevant senior officer will give evidence at a public meeting of the council's Overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found on the Council's website. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Trevor Cripps (details below) up to 5 working days before the meeting.

Trevor Cripps
Democratic Services Manager (Scrutiny)
7th Floor, River Park House
225 High Road
Wood Green
N22 8HQ
scrutiny@haringey.gov.uk

Tel. 020 8489 6922

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's Overview and Scrutiny Committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

There is no further internal right of appeal within the Council.

Officers who can be called to Scrutiny

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job.

If your petition contains at least 1,100 signatures, the relevant senior officer will give evidence at a public meeting of the council's Overview and Scrutiny Committee.

The posts that can be petitioned to give evidence are:

Kevin Crompton - Chief Executive

Stuart Young - Assistant Chief Executive (People and Organisational Development)
and interim Assistant Chief Executive (Policy, Performance, Partnerships and Communication)

Julie Parker - Director of Corporate Resources

Peter Lewis – Director of Children and Young People's Service

Mun Thong Phung - Director of Adult, Culture and Community Services

Niall Bolger - Director of Urban Environment

If the petition relates to the well-being of the borough but is not directly related to the work of a council officer we will, where possible, work with partners to respond.

Please send your petition to:

Ian Christie
Feedback and Information Manager
7th Floor, River Park House
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Wood Green
N22 8HQ

Or email a scanned copy of the petition to petitions@haringey.gov.uk.